



SAN FRANCISCO BAY AREA JOINT AQUATIC RESOURCE PERMIT APPLICATION

INSTRUCTIONS, DRAWINGS SUBMITTAL INFORMATION, USEFUL DEFINITIONS, & AGENCIES/FEEES

This Joint Application (JARPA) may be used to apply for a variety of projects that take place along the San Francisco Bay and the coastline, including projects near or in wetlands or creeks that flow to the bay. In most cases, a project in such a location involves permitting from a variety of agencies. This single JARPA document is designed to replace individual applications for ten state, regional and national agencies; and, therefore, to make the application process more clear and consistent.

This document is intended to help you complete the application form expediently and to provide you and the agencies with a similar vocabulary and understanding of the application process. Depending on the type of project you are proposing, other permits may be required that are not covered by this application. For further permitting requirements, be sure to check with local government branches in the area of your proposed project (i.e. city, county or special district branch). The local government agency makes a CEQA determination for the proposed project (for more information on CEQA see the definitions section of this document (p. ____). The CEQA process is separate from administrative permitting covered under the JARPA permit application. You may initiate the JARPA process while the local agency is making CEQA determinations on your project or after the determination is complete. Initiating JARPA during the CEQA review phase may speed up permitting; however, it may also result in some agencies (the Regional Water Board, BCDC, Fish and Game, Army Corps of Engineers) reviewing the project twice – once during CEQA review and once during JARPA.

If your project is a project that involves dredging of the San Francisco, San Pablo, or Suisun Bay, please use the Dredged Material Management Office (DMMO) form (Contact David Dwinnell, Corps of Engineers, (415) 977-8471).



APPLICATION INSTRUCTIONS

COMPLETING THE APPLICATION. *The following section provides box by box information to help you complete the application form.*

AGENCY INFORMATION – Check the agencies that have purview over your project and to whom you will be submitting an application. On the right, fill in the specific personnel, **if any**, that you have contacted.

This will enable agency personnel to discuss questions with each other and potentially process your application quicker.



SECTION ONE

BOX 1 – APPLICANT NAME – The name, address, and telephone, facsimile number, and /or e-mail

address of the person, business, or agency who is **proposing the project**. Check the appropriate box for the relationship of the applicant to the property.

BOX 2 – AUTHORIZED AGENT – The name, address, and telephone and facsimile number of the person, business, or agency who **is authorized to represent the applicant during the processing of the permit**, if different from the applicant.

BOX 3 –PROPERTY OWNER – The name, address, and telephone and facsimile number of the person, business, or agency who owns the property.

BOX 4 – LOCATION – Please complete the boxes, including:

- Address: The location of the proposed project
- Waterbody: The name, **if any**, of the river, stream, lake, **drainage, wetland, or other aquatic features** where your proposed project or activity will take place
- Tributary of: The name of the watercourse or waterbody to which the above **waterbody** is tributary
- Latitude and Longitude: The coordinates of the property where the project will occur
- Assessor's Parcel Number: The Assessor's Parcel Number of the property on which your project or activity will take place, if known
- Zoning Designation: The planning zone where the property lies (contact city or county planning agency if necessary)
- Section, Range, and Township: The section, range, and township number of the property on which the project or activity will take place if the property is in a remote area

BOX 5 - EXISTING SITE CONDITIONS – Describe the site conditions including structures on the site and current site uses or activities.

BOX 6 – PROPOSED STARTING DATE– The month, year, and, if known, day, you propose to begin the project or activity, and the proposed time frame for the project/activity. Mark the appropriate box for continuous or staged construction.

BOX 7 – DESCRIPTION OF THE PROPOSED PROJECT– This section is the core of your application. Stating what your project entails in clear language with clear drawings (see section **on** drawings below) will ensure that your application can be reviewed properly. If a project description is vague, agency staff may need to contact you again for more information.

Attach as many pages as needed to describe the proposed project or activity, including **(in any reasonable order)**:

- ◆ where the project or activity will take place in reference to known landmarks, **streets, natural features, etc.**
- ◆ identify materials to be used in construction of project
- ◆ the type of equipment that will be used to complete the project or activity
- ◆ anticipated impacts on wetlands, **open water, or riparian areas, including impacts to fish and wildlife or their habitat**
- ◆ describe any temporary or permanent dewatering or water diversion structures.
- ◆ include dimensions and locations of structures such as culverts, gabions, dikes, wing walls, cofferdams, excavations, etc.
- ◆ site conditions both before and after the project or activity is completed
- ◆ **acres of project site that will be used for development features, and acres to be used for open space**

If Timber Harvest Plan (CDFG):

- ◆ If the project or activity is part of a timber harvest plan, please identify the plan in the project description.

BOX 8 – PLACEMENT OF STRUCTURES AND/OR FILL - Describe all structures to be placed in jurisdictional areas. Provide both total amount of fill to be placed, and amount of fill below relevant water lines.

BOX 9 – IMPACTS ON WETLANDS– Fill in if the project will have temporary or permanent impacts to a wetland or submerged land. Describe size, nature, and location of areas to be filled or otherwise affected by the project. (e.g. will project flood or drain a wetland?). (Also if the project is in the Coastal Zone a geology and/or soils report may be required.)

BOX 10 – WATERWAY IMPACTS – Fill in if the project occurs in a river, stream, creek or **drainage** and describe possible impacts to existing conditions.

BOX 11 – POTENTIAL FOR IMPACTS TO THREATENED AND ENDANGERED SPECIES – Fill in if the project may affect a species (or its habitat) listed as a threatened or endangered species in the United States or California.

BOX 12 – EXCAVATION AND/OR DREDGING OUTSIDE OF SAN FRANCISCO BAY, SAN PABLO BAY, OR SUISUN BAY– Fill in all details if the

project involves excavation and/or dredging in a water body or wetland.

BOX 13 –MITIGATION -If the proposed project involves the loss of wetlands and/or other jurisdictional waters, describe the proposed mitigation. The mitigation plan may be submitted as a stand-alone document. (Mitigation is required in California under the Governor's "no net loss of wetlands" policy.)

If a project is in the BCDC jurisdiction, the mitigation plan should also contain:

- Precise elevations at one-foot contour intervals that are suitable for the desired plant and animal communities and that provide sufficient tidal prism and circulation to accommodate expected siltation.
- An analysis of both on- and off-site factors affecting tidal flow to the site, such as channel dimensions, levee breaches and tidal control structures.
- A soil analysis to determine whether the soils are suitable for establishment of target plant and animal communities.
- A list of the Bay resources to be created by the mitigation program with an indication of how much of the mitigation site is to be occupied by each habitat type.

BOX 14 – ENVIRONMENTAL IMPACT DOCUMENTATION - Indicate any state or federal environmental document that has been prepared (or is in process). You may wish to submit a copy of any such document along with your application. See definitions above of NEPA and CEQA for basic guidance.

BOX 15 – APPLICATIONS DENIED – Explain if portions of this project have been reviewed and denied for any reason.

BOX 16 – ADJACENT PROPERTY OWNERS – For Corps of Engineers Individual Permits (not Nationwides) and all BCDC or Coastal Commission permits, please fill in the names of the adjacent property owners so agencies can ensure that all necessary notifications take place.



SECTION TWO – AGENCY SPECIFIC REQUIREMENTS

BOX 17 - California Department of Fish and Game

Applicant Information needed by Box 2 as well as Box 17

- **Applicant.** The name, address, and telephone and fax numbers of the person, business, or agency who is completing the notification form on behalf of the operator and is knowledgeable about the proposed project.
- **Operator.** The name, address, and telephone and fax numbers of the person, business, or agency who will sign and be responsible for complying with the terms and conditions of any Lake or Streambed Alteration Agreement, if different from the applicant.
- **Contractor.** The name, address, and telephone and fax numbers of the person, business, operator, or the State or local government agency or public utility the operator represents, has hired, or will be hiring to complete the project, if known. If a contractor has not been hired, you may leave the "name", "address", and "telephone number" boxes blank. If the operator will be completing the project, indicate this in the "name" box.
- **Contact Person.** The name, address, and telephone and fax numbers of the person the Department should contact regarding the proposed project.
- **Property Owner.** The name, address, and telephone and fax numbers of the owner of the property where the project will take place, if different from the operator.

Project Description. Please provide the following project information.

- **Project Name.** The name of the proposed project, if applicable.
- **Proposed Start and Completion Dates.** The month, year, and, if known, day, you propose to begin and complete the project. Please note that the Department may restrict your work to certain dates depending on fish migration or other resource concerns.
- **Estimated Project Cost.** The estimated cost to complete the project. For purposes of this section, "project" refers only to that part of the project that will impact a river, stream, or lake, and not the entire project. After you determine your estimated project cost, you can refer to the

enclosed fee schedule to determine whether you will need to submit a fee in addition to your non-refundable application fee, and if so, the amount of the additional fee. Please note that you may be required to submit information that evidences the cost of the project.

- **Number of Stream Encroachments.** You need to provide this information only if your proposed project is part of a timber harvest plan. Stream encroachments include water course crossings and water diversions. You should use this number to determine the fee you will need to submit with your completed notification package.

Fish and Game Attachments/Enclosures (if not included in Box 8 Project Description above):

- Project description, including: a description of where the project will take place in reference to known landmarks; the type of equipment that will be used to complete the project; anticipated impacts on wetland and/or riparian vegetation and fish and wildlife resources, if any; and site conditions both before and after the project is completed. You should continue this information on attached separate pages, if necessary, and include the name of the applicant and river, stream, or lake at the top of each attachment. If the project is part of a timber harvest plan, please identify the plan in the project description.
- Map showing the location where the project will take place. The map should include distances and/or directions from the nearest city or town, known landmarks, access roads, and other information that would allow a person not familiar with the area to find the project site.
- Construction plans pertaining to the proposed project. Plans may be in the form of blueprints, structural designs, diagrams, or sketches.
- Negative Declaration
- Mitigated Negative Declaration
- Environmental Impact Report
- Notice of Determination
- Notice of Exemption
- Copies of local, State, or federal permits, agreements, or other authorizations, where applicable:
 - Local. Include the name or a brief description of the permit, agreement, or authorization.
 - State. Include the name or a brief description of the permit, agreement, or authorization.
 - Federal. Include the name or a brief description of the permit, agreement, or authorization.

The operator or the operator's authorized representative must sign and date the notification form in the space provided at the bottom of the second page of the form. If the owner of the property where the proposed project will take place does not consent to having a Department representative inspect the property without first scheduling an inspection date and time, you should mark the box above the signature line and provide a daytime telephone number. You should also mark this box if a locked gate prevents access to the property or the property owner or the property owner's representative needs to be present when the Department representative visits the property. Please note that if the Department will need to schedule a date and time to inspect the property, this may delay the Department's evaluation of the proposed project.

After the Department receives your notification package, it will determine whether or not your notification is complete. If you do not provide the Department with the information it needs to evaluate your proposed project and include the appropriate fees, the Department may consider your notification to be incomplete. If this occurs, the Department may return your notification materials and any fees you included and specify the information or materials you will need to provide the Department when you resubmit your notification. ***Please note that your notification is not effective unless it is complete.***

After the Department determines that your notification package is complete, it will assign your notification to field staff who will evaluate your proposed project and determine whether you will need a Lake or Streambed Alteration Agreement. In some instances, the Department may need to conduct an on-site inspection to make this determination.

BOX 18 – ADDITIONAL INFORMATION FOR THE CALIFORNIA COASTAL COMMISSION Complete the boxes as thoroughly as possible. If you have questions call 415-904-5200.

BOX 19 – ADDITIONAL INFORMATION FOR BCDC BCDC encourages applicants to contact the Commission's staff for assistance in completing their regular application. The same applies to this JARPA application. A complete set of BCDC's application and instructions can be downloaded from their web site (<http://ceres.ca.gov/bcdc/commdoc/overview.htm>).

Campaign Contributions

The box provides space to disclose campaign contributions of \$250 or more made to a Commissioner or alternate Commissioner within the past year. If additional space is needed to list all such campaign contributions, provide this information in an attachment. If no campaign contributions have been made to Commissioners or their alternates, use a check mark to indicate this. A list of the current Commissioners and their alternates is available from the Commission's office. This information must be provided to comply with state law. In addition, state law prohibits an applicant and his or her agent from contributing \$250 or more to the campaign of any Commissioner or alternate while the application is pending or during a period of three months after the vote on the application. Violations are subject to fines of up to \$10,000.



DRAWINGS SUBMITTAL INFORMATION

Assistance for the Completion of Drawings.

General Information. Please provide one set of original or good quality reproducible drawings **to each agency**. Applicants may provide photographs, however, they may not substitute them for the drawings. The U.S. Army Corps of Engineers (for Individual Permits), BCDC, and the U.S. Coast Guard require at least one set of drawings on 8-1/2 x 11 inch sheets. Larger drawings may also be required by these and other agencies

Four types of illustrations are needed to properly depict the proposed activity: Vicinity Map, USGS Quad Map, Plan View(s), and Cross-Sectional View(s). Drawings should be prepared using clear printing, black ink, and the fewest number of sheets possible. Include the scale on all drawings. The importance of clear accurate drawings cannot be overstated. At a minimum, drawings must contain the following information; other information may be required depending on project type. If you have questions regarding completing the drawings, call the appropriate agency.

1. Vicinity Map. A copy of a county or city road map may be used. Include:

- a. North arrow
- b. Name of water body (and river mile if appropriate)
- c. Location of the proposed activity, including boundaries
- d. Directions to the site
- e. Appropriate agency jurisdictional boundaries

2. U.S. Geological Survey Topographic Map (Quad Map). Show project boundaries on quad map.

3. Jurisdictional Map(s). Show and clearly distinguish all areas of agencies' jurisdiction on the project site. (Contact the Corps for wetlands delineation information.)

4. Plan View(s). This drawing illustrates the proposed project area as if you were looking down at the site from overhead.

- a. North arrow

- b. Name of water body and direction of water flow
- c. Name of receiving water
- d. Location of the proposed activity, including boundaries
- e. Location of existing shoreline
- f. Tidal Waters: As appropriate show the High Tide, Mean High, and Mean Lower Low Water Marks or Lines, and/or wetland boundaries. Indicate elevation in relation to a specified datum. For marshland areas also show the 5 foot contour line.
- g. Non-tidal waters: Show the Ordinary High Water Line, Meander Line, and/or wetland boundary.
- h. Dimensions of the activity or structure and impervious surfaces, distance from property lines, and the distance it extends into the waterbody beyond the Mean High Water Line
- i. Show existing structures on subject properties.
- j. Indicate adjoining property ownership.
- k. Identify any part of the activity that has been completed.
- l. Indicate types and location of aquatic, wetland, riparian and upland areas.
- m. Indicate stormwater discharge points, including outfalls.
- n. Proposed mitigation design and location.

5. Cross-Sectional View. This drawing illustrates the proposed activity as if it were cut from the side and/or front. Include location of all relevant water lines.

Tidal Waters: Show the Ordinary High, Mean High, and/or Mean Lower Low Water Lines, and/or wetland boundary.

Non-tidal waters: Show the Ordinary High Water Line, and/or wetland boundary.

- b. Water depth or tidal elevation at waterward face of project.
- c. Dimensions of the activity or structure, and the distance it extends into the waterbody beyond the Mean High Water Line.
- d. Indicate dredge and/or fill grades as appropriate.
- e. Indicate existing and proposed contours and elevations

4. Clearance and Elevations. Applies to Coast Guard Bridge Permits only.

- a. Vertical clearance measured from Mean Higher (tidal waters) or Ordinary High (non-tidal water).
- b. Horizontal clearance between piers or pilings.
- c. Bottom elevation of the waterway at the bridge



USEFUL DEFINITIONS

USEFUL DEFINITIONS IN COMPLETING THE

APPLICATION The following definitions are presented to help applicants in completing the JARPA. They may not necessarily represent specific language from the laws implemented through JARPA.

Anadramous fish live some or all of their adult lives in saltwater, but migrate to freshwater to reproduce (e.g. salmon).

Aquatic Bedlands (BCDC) means the area waterward of and below the line of navigability on non-tidal rivers and lakes, or below the extreme low tide mark in navigable tidal waters, or below the outer harbor line where a harbor has been created.

Aquatic Shorelands (BCDC) means the shore areas of non-tidal navigable lakes or rivers between the ordinary high water line and the line of navigability unless otherwise established.

Aquatic Tidelands (BCDC) means the area between the ordinary high tide line and extreme low tide line, unless otherwise established.

Beneficial uses are uses of the waters of the state that may be protected against quality degradation, including domestic, municipal, agricultural and industrial supply; recreation and navigation; and the preservation of fish and wildlife

Bridge (Coast Guard) means any structure including pipelines and conveyor belts, which transports traffic or materials across a navigable water.

CEQA – California Environmental Quality Act – The act's intent is to develop and maintain a high-quality environment now and in the future, and take all action necessary to protect, rehabilitate, and enhance the environmental quality of the state. CEQA "projects" are activities that have the potential to have a physical impact on the environment. Where a project requires approvals from more than one public agency, CEQA requires one of these public agencies to serve as the "lead agency." A "lead agency" must complete the environmental review process required

by CEQA. The most basic steps of the environmental review process are:

- 1) Determine if the activity is a project subject to CEQA;
- 2) Determine if the "project" is exempt from CEQA;
- 3) Perform an Initial Study to identify the environmental impacts of the project and determine whether the identified impacts are "significant". Based on its findings of "significance", the lead agency prepares one of the following environmental review documents:

a) **Negative Declaration** if it finds no "significant" impacts;

b) **Mitigated Negative Declaration** if it finds "significant" impacts but revises the project to avoid or mitigate those significant impacts;

c) **Environmental Impact Report (EIR)** if it finds "significant" impacts. The purpose of an EIR is to provide State and local agencies and the general public with detailed information on the potentially significant environmental effects which a proposed project is likely to have and to list ways which the significant environmental effects may be minimized and indicate alternatives to the project.

(For further information, see CEQA Guidelines at <http://ceres.ca.gov/ceqa/>)

Coastline/Coastal Zone (Coastal Commission) extends inland anywhere from approximately 500 yards in developed urban areas to five miles in undeveloped areas.

Development (within the Bay or Shoreline Band) (BCDC). Most work, including placing fill, extracting or grading material, making repairs and making a *substantial change in use* of any water, land or structure.

Development (within the Suisun Marsh) (BCDC). On land or under water, the placement of *fill*, or the erection of any solid material or structure; the discharge or disposal of any dredged material or of any gaseous, liquid, solid or thermal waste; grading, removing, dredging, mining, or extracting any materials; change in the density or intensity of use of land, including subdivision pursuant to the Subdivision Map Act and any other division of land including lot splits; change in the intensity of use of water or in access thereto; construction, demolition, or alteration of the size or dimension of any structure,

including any facility of any private, public or municipal utility; and the removal or harvesting of major vegetation for other than for agricultural purposes.

Dredging Any excavation or extraction by hydraulic or mechanical means of material located (1) underwater, (2) in an area subject to tidal action, (3) in a *salt pond*, or (4) in a *managed wetland*. For any project that involves dredging in San Francisco Bay (including San Pablo and Suisun Bays), do NOT use the JARPA form. Instead contact David Dwinell (Corps of Engineers) of the Dredged Material Management Office (DMMO) at (415) 977-8471 for the proper materials and instructions.

Emergency - A situation that poses an immediate danger to life, public health, public welfare, or, in some cases, property.

Endangered/Threatened Species – Species which are Federally or State listed as Endangered or Threatened.

Environmental Impact Report (EIR)– A CEQA document. The purpose of an environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided.

Environmental Impact Statement (EIS) - The preparation of EIS' is governed by regulations implementing the [National Environmental Policy Act](#) (NEPA). An EIS provides a full and fair discussion of significant environmental impacts and informs the decision-makers and the public of reasonable alternatives that would avoid or minimize adverse impacts.

Fill (BCDC) is very broadly defined to include (1) solid fill, such as dirt, concrete, wood, and structures. (2) pile-supported fill, such as fixed boat piers and docks, (3) floating fill, such as floating docks, houseboats, and vessels moored for extended periods of time, and (4) structures cantilevered over BCDC jurisdiction.

Fill (Corps) means "any material used for the primary purpose of replacing an aquatic area with dry land or of changing the bottom elevation of a waterbody" (33 CFR 323.2 (e)).

High Tide Line (Corps) means the line of intersection of the land with the waters of the surface at the maximum height reached by a rising tide. The line encompasses spring high tide and the high tides that occur with periodic significance but do not include storm surges.

Managed Wetland (BCDC) Any area adjacent to the Bay which was diked off from the Bay as of November 10, 1966, and used for a duck hunting preserve, game refuge or agriculture.

Mean High Water and Mean Lower Low Water Tidal Elevations at any specific location can be found in tidal data compiled by the United States Department of Commerce, Environmental Science Services Administration, Coast and Geodetic Survey, dated January 24, 1979. Mean lower low water is designated as the 0.0 tidal elevation.

Navigable Waters (Corps) are "those waters of the United States that are subject to the ebb and flow of the tide shoreward to the mean high water mark, and/or are presently used, or have been used in the past, or may be susceptible to use to transport interstate or foreign commerce" (33 CFR 322.2 (a)).

NEPA – National Environmental Protection Act - 1970 (a) The National Environmental Policy Act (NEPA) is our basic national charter for protection of the environment. The NEPA process is intended to help public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the environment.

Ordinary High Water Mark or Line (Corps) in non-tidal channels is, generally, the level to which flow rises in an "average" rainfall year. It is "established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas" (33 CFR 329.11 [1]).

San Francisco Bay (BCDC) is any area within the greater San Francisco Bay up to mean high tide (except in areas of tidal marsh where the San Francisco Bay Conservation and Development Commission jurisdiction extends to 5 feet above

mean sea level) and a "shoreline band" that extends 100 feet inland from areas subject to tidal action.

Shorelands or **Shoreland areas (BCDC)** are those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of 90.58 RCW.

Shoreline Band (BCDC) is a band that extends 100 feet inland from areas subject to tidal action

Shorelines (BCDC). In open water areas, the mean high tide line, and in marshes, the higher of the mean high tide line or a line five feet above mean sea level.

Sovereign Lands (State Lands Commission) are those public lands of the State received by the State upon its admission to the United States in 1850. Generally these sovereign lands include all ungranted tidelands and submerged lands, beds of navigable rivers, streams, lakes, bays, estuaries, inlets and straits.

Suisun Marsh (BCDC). The composite of the *primary management area* and the *secondary management area* of the *Suisun Marsh* as identified on a map entitled "Boundaries of the Suisun Marsh" available at BCDC's office or at the Solano County Planning Department.

Take (USFWS) means "to harass, harm pursue, hunt, shoot, wound, kill, trap, capture, or collect [a Federally listed species], or to attempt to engage in any such conduct" (Endangered Species Act Sec. 3 (18)).

Total Project Cost (BCDC). All of the actual and estimated planning, design, engineering, consultant, and construction costs for a project.

Waters of the State (RWQCB). Any surface water or ground water, including saline water, within the boundaries of the State.

Wetlands (Corps) means "those areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted

for life in saturated soil conditions" (33 CFR 328.3 (b)).

Wetlands Delineation (Corps) refers to the preparation of a map showing the boundaries of jurisdictional wetlands on a given project site. The location of the wetland boundaries is based on documentation of the presence/absence of appropriate vegetation, soils and hydrology. The term also applies to the map itself and the accompanying data sheets.



AGENCIES/FEEs

The following agency descriptions will help you determine to which agencies you should apply, as well as distinguish those agencies which accept the JARPA for permitting review.

Local Government The city or county in which your property is located has a planning or public works department that permits construction projects. These agencies review projects according to local ordinances as well as for compliance with the California Environmental Quality Act (CEQA). The main purpose of CEQA review is to identify and prevent significant potential environmental impacts from proposed projects. Many City and County governments also have local ordinances pertaining to creeks, baylands, wetlands, and require specific permits for activities occurring in these areas.

Flood control districts are local agencies that maintain flood channel walls, levees and drainage-ways. Any proposed work involving such structures or on property owned by the Flood Control District or where the district has an easement may require further permitting applications. Work that affects the flow of water in the creek or through neighboring property may also require permits from a local Flood Control District. For more information, call your local Planning Department and provide them with the property address and Assessor Parcel Number (APN). Ask for information on flood control districts, and other county agencies that may apply in your area.

CALIFORNIA DEPARTMENT of FISH and GAME (DFG) The California Department of Fish and Game requires a Streambed Alteration Agreement (SAA) for projects that will divert or obstruct the natural flow of water, change the bed, channel or bank of any stream, or use any material from a streambed. The SAA is a contract between the applicant and the Department of Fish and Game regarding what will and will not be done in the riparian zone and stream course. The Department of Fish and Game requires a SAA for any work that occurs in, on, over, or under

the riparian zone including all areas between the streambed and the top of the bank. If you are uncertain about the need for an SAA you should contact the Department of Fish and Game's regional office near you. Or, call (916) 653-7664 to find the regional office near you.

DFG PERMIT TYPES

- ◆ **1601** - Under section 1601 of the Fish and Game Code, before any state or local governmental agency or public utility begins a construction project that will: 1) divert, obstruct, or change the natural flow or the bed, channel, or bank of any river, stream, or lake; 2) use materials from a streambed; or 3) result in the disposal or deposition of debris, waste, or other material containing crumbled, flaked, or ground pavement where it can pass into any river, stream, or lake, it must first notify the Department of the proposed project.
- ◆ **1603** - This section covers the same projects when undertaken by the general public. Notification is generally required for any project or activity that will take place in or in the vicinity of a river, stream, lake, or their tributaries. This includes rivers or streams that flow at least periodically or permanently through a bed or channel with banks that support fish or other aquatic life and watercourses having a surface or subsurface flow that support or have supported riparian vegetation.
- ◆ **Timber Harvest Plan**
- ◆ **Gravel Extraction**

DFG Fee Schedule

The fee schedule for Fish and Game is reprinted from section 699.5 of title 14 of the California Code of Regulations.

(a) **1601 Applications (from Public Agencies)** - \$154.00 non-refundable fee, plus:

1. No additional fee for projects costing less than \$25,000.
2. \$618.75 additional processing fee for projects costing from \$25,000 to \$500,000 (for a total of 772.75).
3. \$1236.50 additional processing fee for projects costing over \$500,000 (for a total of 1390.50).

(b) **1601 Routine Maintenance Activities (Public Agencies)** if performed under Memorandum of

Understanding with the Department of Fish and Game:

1. \$129.50 each for the first 20 maintenance projects.
2. \$102.75 each for the second 20 maintenance projects.
3. \$78.25 each for maintenance projects in excess of 40.
4. Projects under this subsection pertain to those waterways under prior 1601 agreement upon which public agencies propose to perform routine maintenance; to be submitted at least 30 days prior to commencement of work.

(c) **1603 Applications (private)** excluding commercial gravel operations and timber harvest - \$154.00 non-refundable application fee, plus:

1. No additional fee for private individuals who do the work themselves or projects costing less than \$25,000.
4. \$618.75 additional processing fee for projects costing from \$25,000 to \$500,000 (for a total of 772.75).
5. \$1236.50 additional processing fee for projects costing over \$500, 000 (for a total of 1390.50).

(d) **1603 Applications - Commercial Gravel Operations**

1. \$618.75 fee per application.

(e) **Timber Harvest Applications -**

1. \$618.75 fee per application with 1 or 2 stream encroachments.
2. \$773.00 fee per application with 3 or 4 stream encroachments.
3. \$927.00 fee per application with 5 to 9 stream encroachments.
4. \$1031.00 fee per application with 10 or more stream encroachments.

(f) **One year time extensions for 1601/1603 agreements**, excluding gravel operations, if the project has not changed.

1. \$127.25 fee per application for renewal of a one year extension.
2. For the purpose of this subsection, extensions include those agreements which expire before completion of the project and which have no changes in the work described in the original agreement. If the agreement expires prior to a request for an extension, a new notification will be required and all appropriate fees will be charged.

(g) **Amendments to 1601/1603 existing agreements.**

1. 50% of the fee of the existing agreement.

(h) **Unusual Project Applications.** Public or private projects which are unusually extensive and/or protracted, including but not limited to projects that (1) involve more than one departmental administrative region, or (2) involve more than 15 streams (excluding timber harvest applications), shall be charged fees under the following provisions. The project sponsor shall submit the appropriate application fee required in the above fee schedule. Should this application fee be insufficient to defer the department's costs, then the department shall arrange for a billing schedule to recover the department's additional project-related costs.

STATE and REGIONAL WATER RESOURCES CONTROL BOARDS

In 1967 the California Legislature established the State Water Resources Control Board (State Board) and the nine Regional Water Quality Control Boards. The State Board administers the State's water quality, water pollution control, and water rights functions as part of the California Environmental Protection Agency. The State Board provides policy guidance and budgetary authority to the Regional Water Quality Control Boards, which conduct planning, permitting, and enforcement activities. The joint action of the State Board and the Regional Boards constitute a comprehensive program for managing water in California.

STATE WATER RESOURCES CONTROL BOARD, DIVISION of WATER RIGHTS (SWRCB) The goal of the State Board is to assure that California water resources are put to maximum beneficial use and that the best interests of the public are served. In granting water rights, therefore, the State Board must determine under what conditions water may be taken and used.

Any persons or agencies intending to take water from a creek for storage or direct use on non-riparian land must first obtain a Water Right Permit by filing an application with the Division of Water Rights. At this time, the Division of Water Rights is not accepting the JARPA.

If you are uncertain whether you need a permit or have questions about your present use of water, call the Board's Division of Water Rights at (916) 657-

2170 or view their website
<http://www.waterrights.ca.gov>

San Francisco Bay Area Regional Water Quality Control Board (RWQCB, Regional Board) Permit

Types located in Oakland at 1515 Clay Street, 510-622-2300, issues permits for the following:

- ◆ **Section 401 permit** - Section 401 of Clean Water Act grants each state the right to ensure that the State's interests are protected on any federally permitted activity occurring in Waters of the State. In California, the Regional Water Quality Control Boards are the agency mandated to ensure protection of the State's waters. So if a project comes under the Corps' jurisdiction, California also regulates it also to ensure and certify compliance with state regulations. California does not feel as such, that most of the 40 activities under the Nationwide Program are of minimal impact. The State has not provided advance approval of most of the Nationwide Permits. Although the activity may be covered under a general permit from the Corps, you will still need to get authorization from the State of California.
- ◆ **Waste Discharge Requirements** - Under separate authorities granted by state law (Porter-Cologne Water Quality Control Act), the Regional Board may choose to regulate discharges of dredged or fill materials by issuing Waste Discharge Requirements (WDRs), instead of taking a 401 Water Quality Certification action or for projects not requiring a Corps permit. NOTE: Applications for issuance of WDRs must be submitted on Form WD200 (not JARPA).
- ◆ **General Construction Activity Storm Water Permits** are required for storm water discharges associated with any construction activity. Such activities include clearing, grading, excavation or reconstruction that results in the disturbance of at least five acres of total land area. This is accomplished by filing a Notice of Intent (NOI). Please contact: (Carol T. should know number).

RWQCB Permit Fees are spelled out in Section 3833(b) of the California Code of Regulations. For the S.F. Bay RWQCB, the minimum filing fee is \$1000.00. Additional fees may be required, based on project size and complexity.

The California Coastal Commission (CCC) The California Coastal Commission has authority over development on the coast and adjacent ocean area of California except for San Francisco Bay. The Coastal Act of 1976 requires any development project in the Coastal Zone to obtain a Coastal Development Permit from the Coastal Commission. Projects proposed in or adjacent to existing or historic coastal wetland areas also require Coastal Development Permits issued by the Coastal Commission. To find out if your project is in the Coastal Zone (see definitions section). Phone (415) 904-5200.

San Francisco Bay Conservation and Development Commission (BCDC) The San Francisco Bay Conservation and Development Commission's main goals are to prevent unnecessary filling of the Bay, promote appropriate water-oriented shoreline development, protect Suisun Marsh, and provide maximum public access to the Bay. Any person proposing to fill, extract materials, or change the use of water, land, or structures in or around San Francisco Bay must first obtain a permit from the San Francisco BCDC. Fill (see definitions section) includes solid, pile-supported and floating fill, such as dirt, boat piers, houseboats and cantilevered structures. BCDC's permit jurisdiction includes San Francisco Bay and a "shoreline band" that extends 100 feet inland from areas subject to tidal action. BCDC also has jurisdiction over salt ponds, managed wetlands, and certain other waterways. If your project is near the mouth of any creek flowing into the San Francisco Bay, check with BCDC to find out if they have purview. BCDC also issues permits for activities under the Suisun Marsh Preservation Act. BCDC issues three main types of permits:

- **Regionwide & Abbreviated Regionwide Permit.** *Routine maintenance* work that qualifies for approval under an existing Commission regionwide, or abbreviated regionwide, permit can be authorized in a very short period of time by the Commission's executive director without Commission review or a public hearing.
- **Administrative Permit.** An administrative permit can be issued for an activity that qualifies as a *minor repair or improvement* in a relatively short period of time and without a public hearing on the application. Although an administrative permit application can be processed quickly, the proposed project must be reviewed against the same policies that are used to determine whether a major permit can be approved.

- **Major Permit** A major permit is issued for work that is more extensive than a minor repair or improvement. A public hearing is held on an application for a major permit and the application may be reviewed at hearings held by the engineers and designers who advise the Commission.
- **Emergency Permit** These permits can be issued as needed or appropriate.

BCDC Fees and Times to Process vary according to permit and project complexities.

- The first time extension to a permit: \$50
 - A nonmaterial amendment to a permit other than a first time extension: \$100
 - An activity authorized by a regionwide permit: \$100
 - A minor repair or improvement with a total project cost (TPC) of:
 - Less than \$300,000 \$150
 - \$300,000 to \$10,000,000 .05% of TPC
 - More than \$10,000,000 \$5,000
 - Any other project that does not qualify as a minor repair or improvement with a total project cost (TPC) of:
 - Less than \$250,000 \$250
 - \$250,000 to \$10,000,000 .1% of TPC
 - More than \$10,000,000 \$10,000
 - Federal consistency submittal: none
- *All fees are doubled for "after-the-fact" applications to correct violations.

Phone (415) 395-3600 for more information.

California State Lands Commission (SLC) The State Lands Commission has jurisdiction and management control over the state's sovereign lands, including all ungranted tidelands and submerged lands, beds of navigable rivers, streams, lakes, bays, estuaries, inlets and straits. The Commission's Land Management Division in Sacramento administers the surface leasing of these lands, sand and gravel extraction from these lands, and dredging or disposal of dredged material on these lands. It evaluates an applicant's legal status, the property in question, and the specifics of a project. The agency charges a \$25.00 application filing fee, and requires cost reimbursement for staff time to process leases or permits, typically \$600 to \$10,000. (916) 574-1862.

The U.S. Army Corps of Engineers (Corps). The regulatory authority of the Corps is derived from Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. Section 404 of the Clean

Water Act requires Corps authorization for work involving placement of fill or discharge of dredged materials into any "waters of the United States". Section 10 of the Rivers and Harbors Act requires Corps authorization for work or structures in or affecting "navigable waters".

Corps 404 jurisdiction (for deposition of dredged or fill materials) extends up to the ordinary high water line for non-tidal waters, and up to high tide line in tidal waters. For work or structures in Sec. 10 waters (tidal/navigable waters) Corps jurisdiction extends to the mean high water line.

Note that no Corps authorization is valid without clearance from the Regional Water Quality Control Board, and, if applicable, from the Bay Conservation and Development Commission or the Coastal Commission. In addition, projects that will have impacts to Federally Listed Endangered or Threatened Species or critical habitat within will require a "take" permit from the U.S. Fish and Wildlife Service. (This "take" permit is usually included as a component of completion of Corps consultation with USFWS, however, additional processing time may be required.)

The Corps has two main permit types:

- ◆ **Nationwide Permits** - Nationwide general permits (NW) ([33 CFR Part 330, Appendix A.](#)) are designed to cover types of activities that occur across the country, and, if certain conditions are met, are considered to result in minimal impacts to aquatic resources in Corps jurisdiction. These permits are issued by the Chief of Engineers through the Federal Register rulemaking process, but verification of qualification may be required from the local Corps District. Each NW has its' own requirements and there are General Conditions with which all NW permittees must comply. Therefore, **it is important to read the specific description of any NW for which an application is being submitted, as well as the General Conditions.**

There is **no fee** for verification of qualification for a NW permit.

- ◆ **Individual Permits** – An Individual Permit may be required for any project that does not qualify for a NW permit. This type of permit requires preparation of a Public Notice (with a 30-day

comment period) and a more extensive public interest review.

A **\$10.00 fee** will be charged when the proposed work is non-commercial and a **\$100.00 fee** will be charged when the proposed work is commercial or industrial in nature.

If you have questions, want to obtain a permit application packet, information describing the regulatory program, or want to request a pre-application consultation meeting, contact the San Francisco District regulatory office. Phone (415) 977-8461.

If your project involves dredging call 415-977-8471 – David Dwinelle, Army Corps of Engineers to use the DMMO form instead of JARPA.

U.S. Fish and Wildlife Service (USFWS) The mission of the U. S. Fish and Wildlife Service is to conserve, protect and enhance fish and wildlife, and their habitats, throughout the nation. The agency reviews and comments on **permit proposals** pursuant to the Fish and Wildlife Coordination Act, the Clean Water Act, California Environmental Quality Act (CEQA), the Endangered Species Act and the National Environmental Policy Act (NEPA). The Service's comments focus on the effects of projects on all non-marine fish and wildlife resources and the habitats that support those resources.

Through Section 9 of the Federal Endangered Species Act (Act), if the "taking" of any threatened or endangered species or its habitat is prohibited without first obtaining "take" permission. If there is another Federal Agency involved (e.g. as in a Corps permit), then exemption from the "take" provisions of the Act can be achieved through what is called a Section 7 consultation. The length of time to complete the permitting process depends on the complexity of issues involved (e.g., the number of species) and the completeness of the documents submitted by the applicant. If there is no Federal involvement, a Habitat Conservation Plan, or permit pursuant to Section 10 of the Act is required. Phone (916) 979-2710.

National Marine Fisheries Service (NMFS) Under section 10(a)(1)(B) of the Endangered Species Act of 1973 (ESA), the National Marine Fisheries Service's mission is to conserve living marine resources while managing their use for the greatest benefit to the nation. NMFS has the primary responsibility for

maintaining the health and productivity of marine, estuarine and anadromous fish and shellfish, as well as for marine mammals. NMFS reviews projects under the Magnuson Fishery Conservation and Management Act, the Fish and Wildlife Coordination Act and many other acts. In the case of the San Francisco Bay Area, a project that takes place in an area where salmon or other endangered fish spawn would require NMFS review. Phone (707) 578-7513.

The United States Environmental Protection Agency (EPA) The Environmental Protection Agency is responsible for implementing federal laws designed to protect air, water and land. U.S. EPA is a consulting agency to the Corps of Engineers in reviewing permit applications (particularly in regard to ensuring compliance with the the National Environmental Protection Act) and oversees the regulatory activities of the Army Corps of Engineers on a programmatic level. US EPA charges no review fees. The State of California is within EPA Region IX. Phone (415) 744-1500

US Coast Guard The United States Coast Guard's general mission is to protect life and property at sea, and the marine environment. The Corps has designated the Coast Guard to review discharges of dredged or fill material incidental to the construction of bridges across navigable waters of the United States in conjunction with Coast Guard bridge permits. Cause ways and approach fills are reviewed by the Corps. Phone (510) 437-3073.

AGENCY CONTACT INFORMATION

| AGENCY | ADDRESS | PHONE |
|---|---|----------------|
| California Coastal Commission | 45 Fremont Street, Suite 2000 San Francisco, CA 94105-2219 | (415) 904-5260 |
| California Dept of Fish and Game | 7329 Silverado Trail Napa, CA 94599 | (707) 944-5520 |
| San Francisco Bay Conservation and Development Commission | 50 California Street, Suite 2600 San Francisco, CA 94111 | (415) 352-3600 |
| San Francisco Bay Regional Water Quality Control Board | 1515 Clay Street, Suite 1400 Oakland, CA 94612 | (510) 622-2300 |
| State Lands Commission | 100 Howe Avenue, Suite 100 South Sacramento, CA 95825 | (916) 574-1862 |
| State Water Resources Control Board | 1001 I Street Sacramento, CA 95814 | (916) 341-5486 |
| US Army Corps of Engineers | 333 Market Street San Francisco, CA 94105-2197 | (415) 977-8461 |
| US Coast Guard | Coast Guard Island Alameda , CA 94501 | (510) 437-3073 |
| US EPA Region 9 | 75 Hawthorne Street San Francisco, CA 94105 | (415) 744-1500 |
| US Fish and Wildlife Service | 3310 El Camino, Suite 130 Sacramento, CA 95821 | (916) 979-2710 |
| US National Marine Fisheries Service – SF Bay Region | 777 Sonoma Avenue, Room 325 Santa Rosa, CA 95404 | (707) 578-7513 |